

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL
April 19, 2004

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, April 19, 2004, at 7:07 p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman; Mr. Milton Farley, Councilmember District No. 1; Ms. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mr. Dennis L. Fish, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Steve C. Davis, Councilmember District 8; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Rozier called the meeting to order; Councilmember Spooner led in the invocation; and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES:

Chairman Rozier called the meeting to order and asked Council's approval of the Minutes for the Special Council Meeting, March 8, 2004; Public Hearings, Bills Numbered 04-01, 04-02, 04-03 and 04; and Regular Council Meeting, March 15, 2004.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to approve the Minutes as presented. The motion passed by unanimous voice vote of Council.

No one signed up for **PUBLIC DISCUSSION**.

Chairman Rozier indicated an Executive Session was needed to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

It was moved by Councilmember Spooner and seconded by Councilmember Fish to enter into Executive Session for the reasons stated. The motion passed by unanimous voice vote of Council.

Berkeley County Council entered Executive Session at 7:09 p.m. and returned at 7:35 p.m.

Mr. Stokes, County Attorney, stated Berkeley County went into Executive Session to discuss matters as stated in the motion; no formal action was taken.

Chairman Rozier read the six Bills for Third Reading.

THIRD READINGS:

“BILL NO. 04-06, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #S 194-00-02-060 AND 194-00-02-113.” (*Samuel Haney and David Gadsen*)

It was moved by Councilmember Pinckney and seconded by Councilmember Steve Davis to approve Bill No. 04-06 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-04-10 is attached these Minutes.)

“BILL NO. 04-07, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #195-11-02-113.” (*Steven & Kristie Peterson*)

It was moved by Councilmember Spooner and seconded by Councilmember Fish to approve Bill No. 04-07 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-04-11 is attached to these Minutes.)

“BILL NO. 04-08, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #025-00-01-105.” (*Walter Hill*)

It was moved by Councilmember Pinckney and seconded by Councilmember Steve Davis to approve Bill No. 04-08 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 04- 04-12 is attached to these Minutes.)

“BILL NO. 04-09, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #175-00-02-051.” (*Jack Pryor*)

It was moved by Councilmember Pinckney and seconded by Councilmember Spooner to approve Bill No. 04-09 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-04-13 is attached to these Minutes.)

“BILL NO. 04-10, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #030-00-03-012.” (*Nathaniel & Shannon Whitten*)

It was moved by Councilmember Pinckney and seconded by Councilmember Spooner to approve Bill No. 04-10 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-04-14 is attached to these Minutes.)

“BILL NO. 04-11, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #016-00-07-019.” (*Arthur White*)

It was moved by Councilmember Pinckney and seconded by Councilmember Spooner to approve Bill No. 04-11 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-04-15 is attached to these Minutes.)

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

Councilmember Spooner moved that the Bills for Second Reading be read as a collective group to be given Second Reading by one motion; seconded by Councilmember Mims. The motion passed by unanimous voice vote of Council.

SECOND READINGS:

“BILL NO. 04-12, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #268-00-00-107.” (*Michael Alston*)

“BILL NO. 04-13, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #271-00-02-029.” (*Linda A. Gibson*)

“BILL NO. 04-14, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #221-00-00-092.” (*Patrick D'Angelo*)

“BILL NO. 04-15, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #221-00-00-093.” (*Tommy Travis Grooms for Patricia Grooms*)

“BILL NO. 04-16, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #221-00-00-087.” (*Elizabeth Brown*)

“BILL NO. 04-17, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #121-00-00-015.” (*John Wilson*)

“BILL NO. 04-18, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #269-00-00-009.” (*Thomas & Hutton Engineering*)

“BILL NO. 04-19, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #049-00-02-018.” (*Roger Greene*)

“BILL NO. 04-20, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #233-08-03-028.” (*Thomas Walker*)

“BILL NO. 04-21, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #233-08-03-029.” (*Amy Savage*)

“BILL NO. 04-22, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #263-00-01-056.” (*Gary McSweeney*)

“BILL NO. 04-23, AN ORDINANCE TO AMEND ORDINANCE No. 03-06-38, ADOPTED JUNE 16, 2003, TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS AND ALLOCATIONS THEREOF WITHIN THE 2003-2004 BUDGET FOR BERKELEY COUNTY; AND OTHER MATTERS RELATING THERETO.”

“BILL NO. 04-24, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #233-00-00-034.” (*Jessco*)

It was moved by Councilmember Spooner and seconded by Councilmember Fish to approve Bills Numbered 04-12 thru 04-24 for Second Reading. The motion passed by unanimous voice vote of Council.

Chairman Rozier read the 18 Bills for First Reading and explained that Bills for First Reading are not debated or voted upon; they are read into the record and sent to the proper committee.

FIRST READINGS:

“BILL NO. 04-25, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #180-00-01-048.” (*Berkeley Properties, LLC*)

“BILL NO. 04-26, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #161-15-00-036.” (*John Jackson*)

“BILL NO. 04-27, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #180-00-03-062.” (*David Driggers*)

“BILL NO. 04-28, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #180-00-03-061.” (*Raymond Lodge*)

“BILL NO. 04-29, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #087-00-04-023.” (*Greg Hood*)

“BILL NO. 04-30, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #123-00-03-054.” (*David Rogers*)

“BILL NO. 04-31, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #180-00-01-004.” (*Suzie Brill*)

“BILL NO. 04-32, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #239-00-00-052.” (*Ligure Ellington*)

“BILL NO. 04-33, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #057-00-01-056.” (*Barbara Starks*)

“BILL NO. 04-34, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #271-00-02-035.” (*Frank Kinlaw*)

“BILL NO. 04-35, An ORDINANCE PROVIDING FOR THE ADOPTION OF FISCAL YEAR 2004-2005 (BEGINNING JULY 1, 2004 AND ENDING JUNE 30, 2005) BUDGETS FOR THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY AND THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY SOLID WASTE FUND; ESTABLISHING OPERATIONAL, DEBT SERVICE, AND CAPITAL IMPROVEMENT BUDGETS FOR WATER AND SEWER; AND TO PROVIDE FOR THE EXPENDITURES OF REVENUES COMING INTO THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY AND THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY SOLID WASTE FUND DURING THE FISCAL YEAR, AND TO AMEND THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, SETTING RATES, CHARGES AND PENALTIES FOR WATER AND SEWER AND SOLID WASTE SERVICE BY THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY.”

“BILL NO. 04-36, AN ORDINANCE PROVIDING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, FOR BERKELEY COUNTY; TO PROVIDE FOR LEVY OF TAXES ON ALL TAXABLE PROPERTY IN BERKELEY COUNTY FOR ALL COUNTY PURPOSES; TO PROVIDE FOR THE EXPENDITURES OF SAID TAXES AND OTHER REVENUES COMING INTO THE COUNTY FOR THE FISCAL YEAR.”

“BILL NO. 04-37, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, FOR THE DEVON FOREST SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE DEVON FOREST SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 04-38, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, FOR THE PIMLICO SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE PIMLICO SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 04-39, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, FOR THE SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SANGAREE SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 04-40, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, FOR THE TALL PINES SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE TALL PINES SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 04-41, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, FOR THE OPERATIONAL BUDGET OF THE BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT WITHIN THE UNINCORPORATED PORTIONS OF BERKELEY COUNTY; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SPECIAL FIRE TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 04-42, AN ORDINANCE TO AMEND ORDINANCE NO. 99-4-18, ADOPTING A COMPREHENSIVE PLAN FOR THE COUNTY OF BERKELEY, PURSUANT TO SOUTH CAROLINA CODE OF LAWS SECTION 6-29-510, 1976, AS AMENDED.”

RESOLUTION:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2003-2004 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Councilmember Fish and seconded by Councilmember Spooner to approve the Transfer Resolution. The motion passed by unanimous voice vote of Council.

PROCLAMATION:

“PROCLAMATION DECLARING APRIL 2004 AS FAIR HOUSING MONTH THROUGHOUT THE COUNTY AND ENCOURAGE CITIZENS TO WORK TOGETHER TO ENSURE FAIR HOUSING OPPORTUNITIES FOR CITIZENS OF THE COUNTY.”

It was moved by Councilmember Spooner and seconded by Councilmember Pinckney to approve the Proclamation Re: Fair Housing Month. The motion passed by unanimous voice vote of Council.

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Mr. Dennis L. Fish, Chairman.

Councilmember Fish reported the Committee met earlier tonight and all of the matters before the Committee have been taken care of on tonight's agenda. (That concluded Mr. Fish's report.)

COMMITTEE ON LAND USE, Mr. Milton Farley, Chairman.

Councilmember Farley reported the Committee met on April 12 and earlier tonight. Many of the matters before the Committee have been taken care of on tonight's agenda.

On recommendation of the Committee Councilmember Farley moved to deny the following requests:

A. Request by Norman Lasky, 239 Cypress Gardens Road, Moncks Corner, TMS #210-00-00-126, (10.35 acres), from **CG, General Commercial District**, to **HI, Heavy Industrial District**. Council District No. 6. (*No Second Required*).

The motion to *deny* the request by Norman Lasky passed by unanimous voice vote of Council.

B. Request by Carol Broach for Peak Properties, LLC, 1965 thru 1999 Cane Gully Road, Moncks Corner, TMS #105-00-00-085, (5 acres), from **GC, General Commercial District** and TMS #105-00-00-112, (11.35 acres), zoned **GC, General Commercial District** and **F-1, Agricultural District**, to **LI, Light Industrial District**. Council District No. 6. *(No Second Required)*

The motion to **deny** the request by Carol Broach passed by unanimous voice vote of Council.

C. Request by Christine Tiller, 1014 & 1020 Charity Church Road, Huger, TMS #248-00-01-035 & 072, (1.18 acres & 1 lot), from **R-2, Manufactured Residential District**, to **GC, General Commercial District**. Council District No. 8. *(No Second Required)*

The motion to **deny** the request by Christine Tiller passed by unanimous voice vote of Council. (That concluded Mr. Farley's report.)

COMMITTEE ON PUBLIC WORKS AND PURCHASING, Mr. Caldwell Pinckney, Jr., Chairman.

Councilmember Pinckney reported the Committee met on April 12.

On recommendation of the Committee Councilmember Pinckney moved to award the contract for Sangaree Special Residential Solid Waste Franchise to Suburban Disposal in the amount of \$6.99 per month per household. *(No Second Required)*

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Pinckney moved to award the contract for Pump Station Number 60 Force Main to Green Construction in the amount of \$525,339.00. *(No Second Required)*

The motion passed by unanimous voice vote of Council. (That concluded Mr. Pinckney's report.)

COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Mrs. Judy C. Mims, Chairman.

On recommendation of the Committee Councilmember Mims moved to approve the Sheriff's Department's request to offer a 1991 GMC Chevy Blazer at Public Auction and the proceeds from that sale to be placed into the Reserve Officers' fund. *(No Second Required)*

The motion passed by unanimous voice vote of Council. (That concluded Ms. Mims' report.)

COMMITTEE ON WATER AND SANITATION, Mr. Steve C. Davis, Chairman.

Councilmember Steve Davis reported the Committee met on April 12 and several of the matters before the Committee have been taken care of tonight's agenda. Ms. Kristy McMichael, Internal Auditor for Berkeley County Water and Sanitation Authority, presented the Committee with information in regard to an amendment to the Authority's Solid Waste Regulations. No action was required.

Also, Mr. Marc Hehn, Director BCW&SA, presented the Committee with information in regard to the delinquent 2003 Solid Waste Disposal and Recycling Accounts and no action was required. (That concluded Mr. Steve Davis' report.)

COMMITTEE ON PLANNING AND DEVELOPMENT, Mr. Charles E. Davis, Chairman.

Councilmember Charles Davis stated the Committee met on April 12 and all matters before the Committee have been taken care of on tonight's agenda. (That concluded Mr. Charles Davis' report.)

COMMITTEE ON COMMUNITY SERVICES, Mrs. Judith K. Spooner, Chairman.

Councilmember Spooner reported the Committee met on April 12.

On recommendation of the Committee Councilmember Spooner moved to approve the transfer of the Librarian position approved for the Daniel Island Library to Hanahan Library. (*No Second Required*)

The motion passed by unanimous voice vote of Council.

Councilmember Spooner further reported Ms. Colleen Carney, Berkeley County Library Director, provided information to the Committee in regard to a proposed corporate giving campaign with a suggested title of "Books for Berkeley". No action was required.

Ms. Carney also provided the Committee with information in regard to a Gates Foundation Grant that had recently been applied for. No action was required. (That concluded Ms. Spooner's report.)

COMMITTEE ON HUMAN SERVICES, Mr. William Crosby, Chairman.

Councilmember Crosby reported the Committee met on April 12 and Mr. John Nutter, Chief Animal Control Officer, provided the Committee with recommendations for amendments to the Animal Control Ordinance. The proposed changes were held in Committee. No action was taken at this time. (That concluded Mr. Crosby's report.)

**NOMINATIONS FOR MEMBERSHIP ON BOARDS,
COMMISSIONS, ETC.**

Councilmember Pinckney nominated Mr. Kevin Davis to the Accommodations Tax Advisory Committee.

Councilmember Crosby nominated Mr. Alfi Shelton to the RTMA Committee to replace Kenny Crosby.

Councilmember Mims stated she did not believe the appointments on the Accommodations Tax Commission were correct.

Mr. Stokes indicated a letter received from the State Accommodation's Steering Committee questioned the County's appointments on the Accommodations Tax Commission, the number of members and the makeup of the board by profession. Mr. Stokes reported he had responded to the Committee that if there were problems Staff would bring them to Council's attention and the proper corrections would be made.

The Nominations passed by unanimous voice vote of Council.

There was no **CORRESPONDENCE** or **UNFINISHED BUSINESS**.

NEW BUSINESS

Chairman Rozier stated he would recommend adding \$10,000 each for (2) State Surplus vehicles to replace two (2) older cars in the upcoming budget for the Solicitor. A Surplus car had been found in very good condition and it was requested that one car be purchased immediately, which would subtract \$10,000 from next year's budget. He solicited a motion from Council to transfer \$10,000 from Contingency to the Solicitor's budget to purchase the one car that is available.

It was moved by Councilmember Spooner and seconded by Councilmember Fish to approve the transfer of \$10,000 from Contingency to the Solicitor's budget to purchase one car. The motion passed by unanimous voice vote of Council.

ANNOUNCEMENTS

Chairman Rozier announced that the Regular Meeting for May would be held on Monday, May 17, 2004, immediately following Public Hearings and the meeting of the Committee on Finance at 6:00 p.m.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to adjourn. The motion passed by unanimous voice vote of Council.

The Regular Council Meeting adjourned at 7:55 p.m.

S/Barbara B. Austin
Clerk of County Council

May 17, 2004
Date Approved

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on **Monday April 19, 2004**, is scheduled to begin immediately following Public Hearings, the meeting of the Committee on Finance, the Committee on Land Use and the Committee on Community Services at **6:00 P.M.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCK'S CORNER, S. C.**

CALL TO ORDER

APPROVAL OF MINUTES:

Special Council Meeting	March 8, 2004
Public Hearings: Bills Numbered:	March 15, 2004
Regular Council Meeting	March 15, 2004

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

1. Bill No. 04-06, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Samuel Haney**, Haney Branch Road, Summerville, TMS# 194-00-02-060, (3.43 acres), and **David Gadsen**, Haney Branch Road, Summerville, TMS# 194-00 02-113, (.8 acres), **from F-1, Agricultural District, to GC, General Commercial District**. Council District No. 7.

[Recommended by Committee on Land Use]

2. Bill No. 04-07, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Steven & Kristie Peterson**, 160 Adaba Dixie Lane, Summerville, TMS# 195-11-02-013, (15.9 acres), **from R-2, Manufactured Residential District, to R2-RF, Mobile Rome Farm District**. Council District No. 6.

[Recommended by Committee on Land Use]

3. **Bill No. 04-08**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Walter Hill**, Rosalee Lane, St. Stephen, TMS# 025-00-01-105, (.5 acres portion, 1 acre total), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 7.

[Recommended by Committee on Land Use]

4. **Bill No. 04-09**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Jack Pryor**, Gaddist Road, Ridgeville, TMS# 175-00-02-051, (1.24 acres), **from F-1, Agricultural District, to R-5, Multifamily District Large Scale**. Council District No. 7.

[Recommended by Committee on Land Use]

5. **Bill No. 04-10**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Nathaniel & Shannon Whitten**, Elliot Lane, Cross, TMS# 030-00-03-012, (1.05 acres), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 7.

[Recommended by Committee on Land Use]

6. **Bill No. 04-11**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Arthur White**, 4732 N. Highway 52, St. Stephen, TMS# 016-00-07-019 (1.09 acres), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 7.

[Recommended by Committee on Land Use]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. **Bill No. 04-12**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Michael Alston** for Geneva Dixon, Travis Lane, Cainhoy, TMS# 268-00-00-107, (1 acre), **from R-2, Manufactured Residential District, to GC, General Commercial District**. Council District No. 8.

[Recommended by Committee on Land Use]

2. **Bill No. 04-13**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Linda A. Gibson**, et al,

Highway 33, Cainhoy, TMS# 271-00-02-029, (4.3 acre portion of 58.10 acres total), **from F-1, Agricultural District, to GC, General Commercial District.** Council District No. 8.

[Recommended by Committee on Land Use]

3. **Bill No. 04-14**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Patrick D'Angelo**, Rose Drive, Summerville, TMS# 221-00-00-092, (1 lot), **from R-1MM, Multi-Section Residential District, to GC, General Commercial District.** Council District No. 4.

[Recommended by Committee on Land Use]

4. **Bill No. 04-15**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tommy Travis Grooms** for Patricia Grooms, 117 Presley Lane, Summerville, TMS# 221-00-00-093, (1 lot), **from R-1MM, Multi-Section Residential District, to GC, General Commercial District.** Council District No. 4.

[Recommended by Committee on Land Use]

5. **Bill No. 04-16**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Elizabeth Brown**, 1535 Rose Drive, Summerville, TMS# 221-00-00-087, (3.06 acres), **from R-1MM, Multi Unit Manufactured Residential, to GC, General Commercial District.** Council District 4.

[Recommended by Committee on Land Use]

6. **Bill No. 04-17**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **John Wilson**, Intersection of Hwy 6 & 16, Moncks Corner, TMS# 121-00-00-015, (1.34 acres), **from F-1, Agricultural District, to GC, General Commercial District.** Council District No. 6.

[Recommended by Committee on Land Use]

7. **Bill No. 04-18**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Thomas & Hutton Engineering** for D. R. Horton, Inc., Rivers Reach Road, Cainhoy, TMS# 269-00-00-009, (11.1 acre portion, 67.23 acres total), **from F-1, Agricultural District, to R-4, Multi Family District Small Scale.** Council District No. 8.

[Recommended by Committee on Land Use]

8. **Bill No. 04-19**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Roger Greene**, 2253 Santee River Road, St. Stephen, TMS# 049-00-02-018, (3 acres), **from F-1, Agricultural District, to GC, General Commercial District.** Council District No. 8.

[Recommended by Committee on Land Use]

9. **Bill No. 04-20**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Thomas Walker**, 117 Berkeley

Farms Road, Summerville, TMS# 233-08-03-028, (1 lot), **from GC, General Commercial District, to R-2, Manufactured Residential District.** Council District No. 4.

[Recommended by Committee on Land Use]

10. Bill No. 04-21, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Amy Savage**, 107 Berkeley Farms Road, Summerville, TMS# 233-08-03-029, (1.3 acres), **from GC, General Commercial District, to R-2, Manufactured Residential District.** Council District No. 4.

[Recommended by Committee on Land Use]

11. Bill No. 04-22, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Gray McSweeney** for Wando Developers LLC, 1161 Cainhoy Road, Cainhoy, TMS# 263-00-01-056, (4.57 acres), **from RNC, Rural and Neighborhood Commercial District, to GC, General Commercial District.** Council District No. 8.

[Recommended by Committee on Land Use.]

12. Bill No. 04-23, An Ordinance to amend Ordinance No. 03-06-38, adopted June 16, 2003, to provide for **supplemental appropriations** and allocations thereof within the 2003-2004 budget for Berkeley County; and other matters relating thereto.

[Recommended by Committee on Finance]

13. Bill No. 04-24, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re **Request** by **Jessco**, Sangaree Parkway, Summerville, TMS# 233-00-00-034, (5.9 acres), **from R-1, Single Family Residential District, to GC, General Commercial District.** Council District No. 4.

[Recommended by Committee on Land Use.]

FIRST READING:

1. Bill No. 04-25, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Berkeley Properties, LLC**, 130 Oakley Road, Moncks Corner, TMS# 180-00-01-048, (.964 acres), **from R-2, Manufactured Residential District, to GC, General Commercial District.** Council District No. 6.

[Recommended by Committee on Land Use]

2. Bill No. 04-26, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **John Jackson**, 107 Outbacks Lane, Moncks Corner, TMS# 161-15-00-036, (1 lot), **from GC, General Commercial District, to F-1, Agricultural District.** Council District No. 6.

[Recommended by Committee on Land Use]

3. **Bill No. 04-27**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **David Driggers**, Highway 17-A, Moncks Corner, TMS# 180-00-03-062, (3.45 acres), **from R-2 Manufactured Residential District, to GC, General Commercial District**. Council District No. 6.
[Recommended by Committee on Land Use]
4. **Bill No. 04-28**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Raymond Lodge** for Hensley and Brown Properties, LLC, 2071 S. Live Oak Drive, Moncks Corner, TMS# 180-00-03-061, (2 acres), **from R-2 Manufactured Residential District, to GC, General Commercial District**. Council District No. 6.
[Recommended by Committee on Land Use]
5. **Bill No. 04-29**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Greg Hood**, Bethera Road, Moncks Corner, TMS# 087-00-04-023, (2.96 acres), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 6.
[Recommended by Committee on Land Use]
6. **Bill No. 04-30**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, R: **David Rogers**, 1305 N. Highway 52, Moncks Corner, TMS# 123-00-03-054, (.73 acre portion of 8.98 acres total), **from GC, General Commercial District, and F-1, Agricultural District, to GC, General Commercial District**. Council District No. 8.
[Recommended by Committee on Land Use]
7. **Bill No. 04-31**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Request by Suzie Brill**, 1749 S. Live Oak Drive, Moncks Corner, TMS# 180-00-01-004, (3.88 acres), **from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District, (.76 acre portion), and F-1, Agricultural District, (3.12 acre portion)**. Council District No. 6.
[Recommended by Committee on Land Use]
8. **Bill No. 04-32**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Ligure Ellington, Jr.**, Cainhoy Road, Huger, TMS# 239-00-00-052, (3.38 acres), **from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 8.
[Recommended by Committee on Land Use]
9. **Bill No. 04-33**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Barbara Starks**, 2914 N. Highway 52, Bonneau, TMS# 057-00-01-056, (1 acre portion, 12.37 acres total), **from F-**

1, Agricultural District, to RNC, Rural and Neighborhood Commercial District.
Council District No. 8.

[Recommended by Committee on Land Use]

10. Bill No. 04-34, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Frank Kinlaw, 2563 Clements Ferry Road, Wando, TMS# 271-00-02-035, (10.01 acres portion of 21.5 acres total), from R-2, Manufactured Residential District, to GC, General Commercial District.
Council District No. 8.

[Recommended by Committee on Land Use]

11. Bill No. 04-35 An ordinance providing for the adoption of fiscal year 2004-2005 (beginning July 1, 2004 and ending June 30, 2005) budgets for the Berkeley County Water and Sanitation Authority and the Berkeley County Water and Sanitation Authority Solid Waste Fund; establishing operational, debt service, and capital improvement budgets for water and sewer; and to provide for the expenditures of revenues coming into the Berkeley County Water and Sanitation Authority and the Berkeley County Water and Sanitation Authority Solid Waste Fund during the fiscal year, and to amend the Code of Ordinances, Berkeley County, South Carolina, setting rates, charges and penalties for Water and Sewer and Solid Waste Service by the Berkeley County Water and Sanitation Authority.

[Recommended by Committee on Water and Sanitation]

12. Bill No. 04-36, An ordinance providing appropriations for the fiscal year beginning July 1, 2004, and ending June 30, 2005, for Berkeley County; to provide for levy of taxes on all taxable property in Berkeley County for all county purposes; to provide for the expenditures of said taxes and other revenues coming into the county for the fiscal year.

[Recommended by Committee on Finance]

13. Bill No. 04-37, An ordinance providing for the fiscal year beginning July 1, 2004, and ending June 30, 2005, for the Devon Forest Special Tax District operational budget; and to provide for the expenditures of the revenues received by the Devon Forest Special Tax district during the fiscal year.

[Recommended by Committee on Finance]

14. Bill No. 04-38, An ordinance providing for the fiscal year beginning July 1, 2004, and ending June 30, 2005, for the Pimlico Special Tax District operational budget; and to provide for the expenditures of the revenues received by the Pimlico Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

15. Bill No. 04-39, An ordinance providing for the fiscal year beginning July 1, 2004, and ending June 30, 2005, for the Sangaree Special Tax District operational

budget; and to provide for the expenditures of the revenues received by the Sangaree Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

16. Bill No. 04-40, An ordinance providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the **Tall Pines Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Tall Pines Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

17. Bill No. 04-41, An ordinance providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the operational budget of the **Berkeley County Special Fire Tax District** within the unincorporated portions of Berkeley County; and to provide for the expenditures of the revenues received by the Special Fire Tax District during the fiscal year.

[Recommended by Committee on Finance]

RESOLUTIONS:

1. RESOLUTION providing for the Transfer of Funds in the 2003-2004 Berkeley County Budget for County Purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

PROCLAMATION:

1. PROCLAMATION declaring April 2004 as Fair Housing Month throughout the County and encourage citizens to work together to ensure fair housing opportunities for citizens of the County.

[Recommended by Committee on Human Services]

REPORTS FROM STANDING COMMITTEES:

1. Committee on Finance.
Councilmember, Mr. Dennis L. Fish, Chairman.

2. Committee on Land Use.
Councilmember, Mr. Milton Farley, Chairman.
Recommendations to Deny:

a. Request by Norman Lasky, 239 Cypress Gardens Road, Moncks Corner, TMS# 210-00-00-126, (10.35 acres), from GC, General Commercial District, to HI, Heavy industrial District. Council District No. 6.

- b. Request by Carol Broach** for Peak Properties, LLC, 1965 thru 1999 Cane Gull Road, Moncks Corner, TMS# 105-00-00-085, (5 acres), **from GC, General Commercial District & 105-00-00-112, (11.35 acres), zoned GC, General Commercial District and F-1, Agricultural District, to LI, Light Industrial District.** Council District No. 6.
 - c. Request by Christine Tiller**, 1014 & 1020 Charity Church Road, Huger, TMS# 248-00-01-035 & 072, (1.18 acres & 1 lot), **from R-2, Manufactured Residential District, to GC, General Commercial District.** Council District No. 8.
- 3. Committee on Public Works and Purchasing.**
Councilmember, Mr. Caldwell Pinckney, Jr., Chairman.
 - a.** Sangaree Special Tax District Residential Solid Waste Franchise
 - b.** Pump Station Number 60 Force Main.
- 4. Committee on Justice and Public Safety.**
Councilmember, Mrs. Judy C. Mims, Chairman
 - a.** 1991 Chevy Blazer surplus to County's needs.
- 5. Committee on Water and Sanitation.**
Councilmember, Mr. Steve C. Davis, Chairman.
- 6. Committee on Planning and Development.**
Councilmember, Mr. Charles E. Davis, Chairman.
- 7. Committee on Community Services.**
Councilmember, Mrs. Judith K. Spooner, Chairman.
 - a.** Approval to move Library position.
- 8. Committee on Human Services.**
Councilmember, Mr. William E. Crosby, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE
BCD COUNCIL OF GOVERNMENTS
BERKELEY COUNTY LIBRARY BOARD
BERKELEY COUNTY MENTAL HEALTH BOARD
BERKELEY-CHARLESTON-DORCHESTER - RTMA
BOARD OF ZONING APPEALS
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
HOUSING BOARD OF ADJUSTMENTS AND APPEALS
SANTEE COOPER COUNTIES PROMOTION COMMISSION

**SPIERS LANDING COMMISSION
TAX ASSESSMENT REVIEW BOARD**

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

The May 2004, Regular Meeting of Berkeley County Council will be held on MONDAY May 17, 2004, IMMEDIATELY FOLLOWING PUBLIC HEARINGS, AND THE MEETING OF THE COMMITTEE ON FINANCE AT 6:00 PM, in THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

April 14, 2004
S/Barbara B. Austin
Clerk of County Council

**AMENDMENT TO REGULAR MONTHLY MEETING OF
BERKELEY COUNTY COUNCIL**

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on **Monday April 19, 2004**, is scheduled to begin immediately following Public Hearings, the meeting of the Committee on Finance, the Committee on Land Use and the Committee on Community Services at **6:00 P.M.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.**

FIRST READING:

ADD:

18: Bill No. No. 04-42, an Ordinance to amend Ordinance No. 99-4-18, adopting a **Comprehensive Plan for the County of Berkeley**, pursuant to South Carolina Code of Laws Section 6-29-510, 1976, as amended.

[Recommended by Committee on Planning and Development]

April 14, 2004
S/Barbara B. Austin
Clerk of County Council